IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 12617 of 2004**

Between:

M/s. Pasupriya Feeds (P) Ltd. Regd. Office & Factory at 59, M.C. Road Acctate Town, Mandya , Mandya District
Karnataka State, rep. by its Authorised Signatory -Mr. Abhishek Jhalani.

**..... PETITIONER**

AND

1 The Commissioner of Proh & Excise, A.P. Hyd.
2 The Proh and Excise Superintendent, Medak District at Sanga Reddy.
3 M/s. Navdurga Khandsari Sugar Mills, Ofice, 15-2-305, Kishan Gunj, Hyderabad 500 012,
Factory Bandaposanipally Village, Yeldurthi Mandal, Medak District.
4 M/s. Bhagwati Khandsari Sugar Mills, Office: 15-2-305 Kishan Gunj, Hyderabad-500 012, Factory Nagulapally Village,
Toopran Mandal, Medak District.
5 M/s. Sri Ramakrishna Khandsari Sugar Mills, Office 15-2-305, Kishan Gunj, Hyderabad-500 012, Factory:
Toopran Village, Toopran Mandal, Medak District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring that the Respondents have no jurisdiction to cause any restriction on the transport of Molasses by the petitioner from A.P. State to any other place in the other States in India as such restriction is illegal and without jurisdiction

apart from being violative of Article 19 (1) (g) of the Constitution of India and pass such other or further orders as are necessary.

**Counsel for the Petitioner: MR.E.MARUTHI RAJA**

**Counsel for the Respondent Nos.1 & 2 : GP FOR PROHIBITION & EXCISE**

**The Court made the following :**

**THE HONOURABLE MS.JUSTICE G.ROHINI**

**WRIT PETITION NO.12617 OF 2004**

**ORDER:**

The petitioner seeks a writ of mandamus declaring that the respondents have no jurisdiction to restrict the transport of Molasses by the petitioner from the state of Andhra Pradesh to any other place within the State or of other States.

It is represented by the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondent Nos.1 and 2 that the issue involved in this writ petition is squarely covered by the decision of this Court in **M/S.GAURI INDUSTRIES (MANUFACTURERS OF RECTIFIED SPIRIT) vs COMMISSIOENR OF PROHIBITION AND EXCISE, ANDHRA PRADESH** in W.P.No.8136 of 2004, wherein it is held as under:

> "It is a fact that the possession as well as transportation of Molasses was being controlled by the Molasses Control Order, issued by the Central Government. But, however, the said Control Order was rescinded by the Central Government as early as in 1993. Thereafter, there were no provisions either in the A.P. Excise Act or under any Rules framed by the State Government and this fact was clarified by a Division Bench of this Court in Writ Appeal No.2209 of 1998 dated 08.05.2001.
>
> The restriction of transportation of molasses is only if it is intended for utilization of illicit distillation and on such occasion only the respondent

authority can take action. But, however, if any individual is transporting the Molasses under a valid purchase bills to the destination of the purchaser, the respondents authority have no right to interfere with such transportation.

Therefore, the writ petition is disposed of clarifying the position that the respondents have to right to insist the petitioner for any permission or for obtaining NOC for transport of Molasses from the Sugar Factories to any other specified destination for being used by the purchaser."

Accordingly, the writ petition is disposed of in terms of directions in the above decision. No costs.

21.7.2004.

Note:

Issue C.C. in two days.

B/o.

**mdaa**/bcs.

//TRUE COPY //

SECTION OFFICER

COPY TO:

1 The Commissioner of Proh & Excise, A.P. Hyd.
2 The Proh and Excise Superintendent, Medak District at Sanga Reddy.
3. Two C.Cs. to G.P.for Proh.& Excise, High Court of A.P.,Hyd (OUT)

4. Two C.D. copies.